



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

April 19, 2024

Via ECF

The Honorable Mae A. D'Agostino
United States District Court for the Northern District of New York
James T. Foley United States Courthouse
445 Broadway
Albany, NY 12207

Re: Mintz, et.al. v. James, et al., No. 1:23-cv-00795 (MAD/CFH)

Dear Judge D'Agostino,

This office represents defendant Steven G. James¹ in his official capacity as Superintendent of the New York State Police. I write on behalf of all defendants to request a two-week extension of time to answer the Complaint, to Friday, May 3. The Plaintiffs consent to the request.

The extension is necessary due to recent developments in negotiations between the parties. The Superintendent had intended to file a pre-motion conference request today pursuant to Individual Rule 2(A)(i), in connection with an anticipated motion to dismiss the Plaintiffs' challenge to New York's prohibition on carrying firearms in places of worship, N.Y. Penal Law § 265.01-e(2)(c), for lack of standing. See Mintz v. Chiumento, ___ F. Supp. 3d ___, 2024 WL 1361047, at *3 (N.D.N.Y. Mar. 20, 2024) (finding a lack of standing in the context of Plaintiffs' motion for a preliminary injunction); cf. Do No Harm v. Pfizer Inc., 96 F.4th 106, 121 (2d Cir. 2024) ("Once the court concluded that [plaintiff] lacked standing, dismissal, not further proceedings, was the logical next step."). However, this morning Plaintiffs' counsel advised us that the Plaintiffs would voluntarily discontinue the place-of-worship challenge.²

Defendants thank Plaintiffs for their decision, which will avoid motion practice and conserve both the parties' resources and the Court's. Due to the new development, Defendants

¹ This case's docket currently lists Dominick L. Chiumento as a defendant in his former official capacity as Acting Superintendent of the Division of State Police. See ECF No. 34. On January 31, 2024, Governor Hochul nominated Steven James as Superintendent, and on April 4 he was confirmed to the position by the State Senate. Although Federal Rule of Civil Procedure 25(d) establishes that Superintendent James "is automatically substituted as a party" upon taking office, the Superintendent respectfully requests that the case caption be amended to reflect the substitution.

² Plaintiffs' counsel represented that a letter to this effect will be filed to the docket within the next few days.

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request an additional two weeks in order to prepare to file an answer, instead of the anticipated pre-motion letter. We thank the Court for its time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James M. Thompson', with a long horizontal flourish extending to the right.

James M. Thompson

Special Counsel for Second Amendment Litigation

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Cc: All counsel of record (Via ECF)